

Passed by both Houses



New South Wales

Local Government Amendment (Conduct of Elections) Bill 2013

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2013

Clerk of the Parliaments



New South Wales

Local Government Amendment (Conduct of Elections) Bill 2013

Act No , 2013

An Act to amend the *Local Government Act 1993* to make further provision for the administration of council elections by the Electoral Commissioner.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government Amendment (Conduct of Elections) Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 **Amendment of Local Government Act 1993 No 30**

[1] **Section 296**

Omit the section. Insert instead:

296 How elections are to be administered

- (1) Elections for the purposes of this Chapter are to be administered by the general manager of the council concerned, except as provided by this section.

Note. Section 18 provides that certain provisions of this Act (relating to the conduct of elections) apply to council polls and constitutional referendums, with such modifications as may be necessary, in the same way as they apply to elections.

- (2) A council can enter into an arrangement (an *election arrangement*) with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council as provided by this section. If such an arrangement is entered into, the Electoral Commissioner is to administer elections of the council in accordance with the arrangement.
- (3) An election arrangement for the Electoral Commissioner to administer all elections of a council can be entered into if:
- (a) the council resolves at least 18 months before the next ordinary election of councillors that such an arrangement is to be entered into, and
 - (b) the arrangement is entered into no later than 15 months before the next ordinary election of councillors.
- (4) An election arrangement for the Electoral Commissioner to administer a particular election of a council (other than an ordinary election of councillors) can be entered into at any time if the council has resolved that an election arrangement for the election is to be entered into.
- (5) An election arrangement for the Electoral Commissioner to administer an ordinary election of councillors can be entered into less than 15 months before the election if:
- (a) the council has resolved that an election arrangement for the election is to be entered into, and
 - (b) the Electoral Commissioner is satisfied that there are exceptional circumstances that make it necessary or

desirable for the election to be administered by the Electoral Commissioner.

- (6) An election arrangement for the Electoral Commissioner to administer all elections of a council can be terminated by the council or the Electoral Commissioner at any time after the next ordinary election of councillors (by giving written notice of termination). If the arrangement is not terminated by either party after an ordinary election of councillors, the arrangement is automatically terminated 18 months before the next ordinary election of councillors.
- (7) The Electoral Commissioner is to administer the first election for an area after its constitution. Expenses incurred by the Electoral Commissioner (including the remuneration of election officials) in connection with such an election are to be met by the council and are recoverable from the council as a debt owed to the Electoral Commissioner.
- (8) This section does not apply to an election of the mayor or a deputy mayor by councillors.

[2] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Omit clause 102A.

[3] Schedule 8

Insert at the end of the Schedule with appropriate Part and clause numbering:

Part Provisions consequent on enactment of Local Government Amendment (Conduct of Elections) Act 2013

Existing arrangements for elections to be administered by Electoral Commissioner

- (1) A contract or arrangement with the Electoral Commissioner in force under section 296 immediately before the commencement of this clause is terminated as follows:
 - (a) the contract or arrangement is terminated on the commencement of this clause unless paragraph (b) applies,
 - (b) if an election is pending under the contract or arrangement on the commencement of this clause, the contract or arrangement is terminated on the conclusion of that election.

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- (2) An election is pending under a contract or arrangement if the contract or arrangement provides for the Electoral Commissioner to administer the election and the Electoral Commissioner has, before the commencement of this clause, commenced preparations for the administration of the election by the Electoral Commissioner.
 - (3) The termination of a contract or arrangement by this clause does not affect any liability incurred under the contract or arrangement before the contract or arrangement was terminated.